

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON DIVISION
DOCKET NO. 05-11682

L & T YACHT SALES, INC.,)
Plaintiff)
)
VS.)
)
POST MARINE CO., INC.,)
Defendant)

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, L & T Yacht Sales, Inc. ("L & T") requests that the Court enter summary judgment on the issues of liability only in its favor on Counts I (Breach of Contract), III (Negligent Misrepresentation) and Count V (Negligence) of Plaintiff's complaint. As grounds therefore, the Plaintiff cites to its Statement of Material Facts and Memorandum of Law filed herewith. Plaintiff submits that the question of damages would be subject to assessment by the trier of fact on these counts.

Respectfully submitted,
The Plaintiff,
By its Attorneys,

/s/ John E. Zajac
John E. Zajac, Esquire BBO # 560195
Carmichael, Zajac & Fleury, P.C.
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Taunton, MA 02780
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CERTIFICATE OF SERVICE

I, John E. Zajac, Esquire this 8th day of June, 2007 have given notice of the within Plaintiff's Motion for Partial Summary Judgment, Statement of Material Facts and Memorandum of Law, by mailing a copy of the same to by overnight mail to Defendant's legal counsel, Michel O. Weisz, Esquire at his 9350 S. Dixie Highway, Miami, Florida 33156 office and by e-mail service, via the Court's CM/ECF system, which sent notification of such filing to Howard M. Brown, Esquire, Bartlett Hackett Feinberg P.C., 155 Federal Street, 9th floor, Boston, MA 02110

/s/ John E. Zajac

John E. Zajac, Esquire